

REMARKS

Claims 29-54 have been amended. Claims 29-54 are pending in the application. In view of the following remarks, Applicant respectfully requests that the application be forwarded on to issuance.

Examiner Interview

Applicant's Representative, Mark Niemann, wishes to thank Examiner Nash and her Supervisor for the telephone interview conducted on July 21st, 2010.

During the interview, Applicant's Representative and the Examiner discussed differences between subject matter recited in the claims and the references of record. In the interest of advancing prosecution, Applicant proposed amending claim 29 to recite:

- ***provide an inventive to*** one or more remote distributed devices to provide environmental data and/or location data ***received from at least one sensor coupled*** to the one or more remote distributed devices, wherein ***the*** incentive is based at least in part on a type of said at least one sensor; and
- receive the environmental data and/or the location data from ***at least one of*** the one or more remote distributed devices ***that have accepted the incentive.***

Support for this amendment can be found throughout Applicant's specification, and at least at paragraph 0084. Applicant's Representative understood Examiner Nash and her Supervisor to agree that this amendment was not taught by the references of record. Examiner Nash indicated, however, that allowance of the claims would be subject to an additional search.

Accordingly, Applicant has amended claim 29 as well as the other independent claims in accordance with the interview, and requests that the 35 U.S.C. § 103(a) rejection of the claims be withdrawn. Applicant respectfully

requests a phone call if the Examiner thinks there are any further issues that might delay issuance.

Specification

The specification is objected to by the Office as allegedly failing to provide proper antecedent support for the claimed “tangible computer-readable medium” of claims 43-48. During the interview, Examiner Nash and her Supervisor indicated that amending claims 44-48 to recite a “computer readable *storage* medium” would overcome this objection. Accordingly, in the interest of advancing prosecution Applicant has amended claims 44-48 to recite “computer readable storage medium”, and requests that the objection to the specification be withdrawn.

35 U.S.C. § 101 Rejection

Claims 43-48 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicant has amended claims 43-48 to recite a “computer readable *storage* medium”, and requests that the 35 U.S.C. § 101 rejection of claims 43-48 be withdrawn.

35 U.S.C. § 103 Rejection

Claims 29-54 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,611,686 to Smith *et al.* (“Smith”) in view of U.S. Patent No. 5,806,045 to Biorge (“Biorge”).

Applicant makes no representation that cited references are prior art. This response and any remarks or comments included herein are not intended to be, and are not to be interpreted as, an admission that any cited references are prior art. Applicant reserves the right to dispose of any cited reference under 35 U.S.C. § 102 and/or 35 U.S.C. § 103, including but not limited to antedating any one or more of the cited references.

1. Independent Claim 29

Claim 29 has been amended, and as amended recites a *server* system *configured to* (added language appears in bold italics):

- *provide an inventive to* one or more remote distributed devices to provide environmental data and/or location data *received from at least one sensor coupled* to the one or more remote distributed devices, wherein *the* incentive is based at least in part on a type of said at least one sensor; and
- receive the environmental data and/or the location data from *at least one of* the one or more remote distributed devices *that have accepted the incentive*.

Claim 29 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Smith in view of Borge. A claim's subject matter is obvious "if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains" (35 U.S.C. §103(a)). In the interest of advancing prosecution and without conceding the propriety of the rejection, claim 29 has been amended to clarify that the server system is configured to "*provide an incentive*" and that to "receive the environmental data and/or the location data from at least one of the one or more remote distributed devices *that have accepted the incentive*". As discussed above, Applicant understood Examiner Nash to consider claim 29, as amended, to be allowable over the references of record.

Claim 29 is not obvious over Smith in view of Borge because the combination is missing at least one element. Claim 29, as amended, recites in pertinent part "provide an inventive to one or more remote distributed devices to provide environmental data and/or location data received from at least one sensor coupled to the one or more remote distributed devices, wherein the incentive is based at least in part on a type of said at least one sensor". The Examiner

acknowledges that Smith does not disclose the notion of an “incentive”. Nevertheless, the Examiner asserts that Biorge discloses the notion of an “incentive” and that it would be obvious to combine Smith and Biorge. Applicant respectfully disagrees because Biorge does not disclose “provide an incentive to one or more remote distributed devices to provide environmental data and/or location data received from at least one sensor coupled to the one or more remote distributed devices, wherein the incentive is based at least in part on a type of said at least one sensor”, as recited in claim 29 as amended.

Biorge pertains to providing incentives to customers that enter into specific commercial transactions (*see Biorge*, abstract). More specifically, Biorge describes that “to earn incentive credits, the customer enters into a transaction with one of the providers participating in the incentive system (70). ***A transaction amount is derived from the transaction and, based on this amount, an incentive credit amount is computed***” (*Biorge*, abstract, emphasis added). Biorge, therefore, clearly describes an incentive that is based on an “amount” of a commercial transaction. An incentive that is based on a transaction amount is not provided to “provide environmental data and/or location data received from at least one sensor”. Similarly, an incentive that is based on a transaction amount is not an incentive that is “based at least in part on a type of said at least one sensor”, as recited in claim 29. Accordingly, the Examiner’s suggested combination is missing the claim element of “provide an incentive to one or more remote distributed devices to provide environmental data and/or location data received from at least one sensor coupled to the one or more remote distributed devices, wherein the incentive is based at least in part on a type of said at least one sensor”, as recited in claim 29. For at least this reason, therefore, a *prima facie* case of obviousness has not been established.

For any and/or all of the reasons set forth above, Applicant respectfully requests that the Examiner withdraw the rejection of claim 29.

2. Independent Claim 37

Claim 37 has been amended, and as amended recites a method comprising (added language appears in bold italics):

- ***providing an incentive***, by one or more server systems, ***to*** one or more remote distributed devices to provide environmental data corresponding to ***an*** environmental condition ***sensed by at least one sensor*** and/or ***to provide*** location data corresponding to a location of the one or more remote distributed devices, wherein ***the*** incentive is based at least in part on a type of said at least one sensor; ***and***
- receiving ***the*** environmental data and/or ***the*** location data from ***at least one of*** the one or more remote distributed devices ***that have accepted the incentive***.

Claim 37 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Smith in view of Biorge. In the interest of advancing prosecution and without conceding the propriety of the rejection, claim 37 has been amended to clarify “***providing an incentive***” and “receiving the environmental data and/or the location data from at least one of the one or more remote distributed devices ***that have accepted the incentive***”. Claim 37, as amended, is not obvious over Smith in view of Biorge because the combination is missing at least one element.

In making out the rejection, the examiner acknowledges that Smith does not disclose the notion of an “incentive”. Nevertheless, the Examiner asserts that Biorge discloses the notion of an “incentive” and that it would be obvious to combine Smith and Biorge. However, Biorge clearly describes an incentive that is based on an “amount” of a commercial transaction. Therefore, Biorge does not disclose “providing an incentive, by one or more server systems, to one or more remote distributed devices to provide environmental data corresponding to an environmental condition sensed by at least one sensor and/or to provide location data corresponding to a location of the one or more remote distributed devices, wherein the incentive is based at least in part on a type of said at least one sensor”,

as recited in claim 37 as amended. For at least this reason, therefore, a *prima facie* case of obviousness has not been established.

For any and/or all of the reasons set forth above, Applicant respectfully requests that the Examiner withdraw the rejection of claim 37.

3. Independent Claim 43

Claim 43 has been amended, and as amended recites a computer-readable *storage* medium having instructions stored thereon, the instructions comprising (added language appears in bold italics):

- ***providing, to a remote distributed device***, a beneficial incentive to ***join*** a sensor based distributed processing system by coupling one or more environmental sensors to ***the*** remote distributed device, the beneficial incentive based at least in part on a type of the one or more environmental sensors; ***and***
- ***receiving a measurement of*** at least one environmental condition ***from*** the one or more remote environmental sensors coupled to the remote distributed device ***after the remote distributed device has accepted the beneficial incentive***.

Claim 43 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Smith in view of Biorge. In the interest of advancing prosecution and without conceding the propriety of the rejection, claim 43 has been amended to clarify “***providing, to a remote distributed device***, a beneficial incentive” and “receiving a measurement of at least one environmental condition from the one or more remote environmental sensors coupled to the remote distributed device ***after the remote distributed device has accepted the beneficial incentive***”. Claim 43 is not obvious over Smith in view of Biorge because the combination is missing at least one element.

In making out the rejection, the examiner acknowledges that Smith does not disclose the notion of an “incentive”. Nevertheless, the Examiner asserts that Biorge discloses the notion of an “incentive” and that it would be obvious to

combine Smith and Biorge. However, Biorge clearly describes an incentive that is based on an “amount” of a commercial transaction. Therefore, Biorge does not disclose “providing, to a remote distributed device, a beneficial incentive to join a sensor based distributed processing system by coupling one or more environmental sensors to the remote distributed device, the beneficial incentive based at least in part on a type of the one or more environmental sensors”, as recited in claim 43 as amended. For at least this reason, therefore, a *prima facie* case of obviousness has not been established.

For any and/or all of the reasons set forth above, Applicant respectfully requests that the Examiner withdraw the rejection of claim 43.

4. Independent Claim 49

Claim 49 has been amended, and as amended recites a method comprising (added language appears in bold italics):

- identifying, by one or more server systems, one or more remote distributed devices configured to sense a condition;
- identifying, by the one or more server systems, one or more capabilities associated with the one or more remote distributed devices;
- ***providing an incentive***, by the one or more server systems, ***to*** the one or more remote distributed devices ***to join a*** distributed computing platform ***and*** provide data corresponding to ***the*** sensed condition, the ***incentive*** based, at least in part, upon the one or more capabilities associated with the one or more remote distributed devices; and
- receiving, by the one or more server systems, data from ***at least one of the one or more*** remote distributed devices that have ***accepted the incentive join*** the distributed computing platform.

Claim 49 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Smith in view of Biorge. In the interest of advancing prosecution and without conceding the propriety of the rejection, claim 49 has been amended

to clarify “*providing an incentive*” and “receiving, by the one or more server systems, data from at least one of the one or more remote distributed devices that have *accepted the incentive join* the distributed computing platform”. Claim 49 is not obvious over Smith in view of Biorge because the combination is missing at least one element.

In making out the rejection, the examiner acknowledges that Smith does not disclose the notion of an “incentive”. Nevertheless, the Examiner asserts that Biorge discloses the notion of an “incentive” and that it would be obvious to combine Smith and Biorge. However, Biorge clearly describes an incentive that is based on an “amount” of a commercial transaction. Therefore, Biorge does not disclose “*providing an incentive*, by the one or more server systems, *to* the one or more remote distributed devices *to join a* distributed computing platform *and* provide data corresponding to *the* sensed condition, the *incentive* based, at least in part, upon the one or more capabilities associated with the one or more remote distributed devices”, as recited in claim 49 as amended. For at least this reason, therefore, a *prima facie* case of obviousness has not been established.

For any and/or all of the reasons set forth above, Applicant respectfully requests that the Examiner withdraw the rejection of claim 49.

5. Independent Claim 54

Claim 54 has been amended, and as amended recites a system comprising (added language appears in bold italics):

- means for identifying one or more remote distributed devices configured to sense a condition;
- means for identifying one or more capabilities associated with the one or more remote distributed devices;
- means for *providing an incentive to* the one or more remote distributed devices *to join a* distributed computing platform *and* provide data corresponding to *the* sensed condition, the *incentive*

based, at least in part, *on* the one or more capabilities associated with the one or more remote distributed devices; and

- means for receiving data from *at least one of the one or more* remote distributed devices that have *accepted the incentive to join* the distributed computing platform.

Claim 54 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Smith in view of Biorge. In the interest of advancing prosecution and without conceding the propriety of the rejection, claim 54 has been amended to clarify “means for *providing an incentive*” and “means for receiving data from at least one of the one or more remote distributed devices that have *accepted the incentive to join* the distributed computing platform”. Claim 54 is not obvious over Smith in view of Biorge because the combination is missing at least one element.

In making out the rejection, the examiner acknowledges that Smith does not disclose the notion of an “incentive”. Nevertheless, the Examiner asserts that Biorge discloses the notion of an “incentive” and that it would be obvious to combine Smith and Biorge. However, Biorge clearly describes an incentive that is based on an “amount” of a commercial transaction. Therefore, Biorge does not disclose “means for providing an incentive to the one or more remote distributed devices to join a distributed computing platform and provide data corresponding to the sensed condition, the incentive based, at least in part, on the one or more capabilities associated with the one or more remote distributed devices”, as recited in claim 54 as amended. For at least this reason, therefore, a *prima facie* case of obviousness has not been established.

For any and/or all of the reasons set forth above, Applicant respectfully requests that the Examiner withdraw the rejection of claim 54.

6. Dependent Claims

Claims 30-36, 38-42, 44-48, and 50-53 each depend from one of allowable independent claims 29, 37, 43, and 49. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claims 30-36, 38-42, 44-48, and 50-53 at least for this reason.

Conclusion

All of the pending rejections of the claims have been addressed and traversed. Accordingly, Applicant requests that the Office issue a Notice of Allowability. If the Office's next anticipated action is to be anything other than issuance of a Notice of Allowability, Applicant respectfully requests a telephone call for the purpose of scheduling an interview.

Respectfully Submitted,

Dated: September 20, 2010

By: /Mark F. Niemann/
Mark F. Niemann
Reg. No. 61817
Sadler, Breen, Morasch & Colby
(509) 755-7259